

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NOVO NORDISK INC. and	)	
NOVO NORDISK A/S,	)	
	)	
Plaintiffs,	)	C.A. No. 22-856 (CFC) (CJB)
	)	CONSOLIDATED
v.	)	
	)	ANDA CASE
ORBICULAR PHARMACEUTICAL	)	
TECHNOLOGIES PVT. LTD., et al.,	)	
	)	
Defendants.	)	

**STIPULATION AND ~~PROPOSED~~ ORDER OF DISMISSAL**

**WHEREAS** Plaintiffs Novo Nordisk, Inc. and Novo Nordisk A/S (“Plaintiffs” or “Novo Nordisk”) and Defendants Orbicular Pharmaceutical Technologies Pvt. Ltd., Cipla Ltd., and Cipla USA, Inc. (“Defendants” or “Orbicular”) are parties to C.A. No. 22-856 (CFC) (the “Action”), involving United States Patent Nos. 8,114,833 (the “’833 patent”), 8,920,383 (the “’383 patent”), 9,775,953 (the “’953 patent”), and 9,265,893 (the “’893 patent”) (collectively, the “patents-at-issue”).

**NOW THEREFORE, IT IS HEREBY STIPULATED, CONSENTED, AND AGREED**, by and between Novo Nordisk and Orbicular, through their undersigned counsel of record, subject to the approval of the Court, that:

(1) Orbicular filed Abbreviated New Drug Application (“ANDA”) No. 217234 (the “Orbicular ANDA”) seeking approval to engage in the commercial

manufacture, use, and/or sale of generic liraglutide solution injection in 18 mg/3 ml (6 mg/ml) (“ANDA Product”) before the expiration of the patents-at-issue;

(2) Novo Nordisk filed the Action against Orbicular alleging that Orbicular infringed the patents-at-issue by filing the Orbicular ANDA;

(3) All claims, counterclaims, and affirmative defenses between Novo Nordisk and Orbicular concerning the patents-at-issue are dismissed without prejudice;

(4) Nothing herein prohibits Orbicular from filing and maintaining a Paragraph IV certification to the patents-at-issue in the Orbicular ANDA for the purposes of receiving or maintaining final approval of the Orbicular ANDA, or prevents FDA from granting final approval of the Orbicular ANDA; and

(5) Each party will bear its own attorneys’ fees and costs.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

RICHARDS, LAYTON & FINGER, P.A.

*/s/ Travis J. Murray*

*/s/ Christine D. Haynes*

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April 11, 2024

SO ORDERED this 11<sup>th</sup> day of April, 2024.

  
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CHIEF, UNITED STATES DISTRICT JUDGE